

# Agenda

**REVISED**



## Tempe City Council

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Harry E. Mitchell Government Center

Municipal Building

Council Chambers

31 East Fifth Street

7:30 P.M.

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**January 8, 2004**

1. INVOCATION – Councilmember Copple

2. PLEDGE OF ALLEGIANCE

3. MINUTES – Councilmember Goronkin

A. Approval of Council Meeting Minutes

1. Council Issue Review Session – October 30, November 6, & December 4, 2003  
[20040108clrkck09.pdf](#) [20040108clrkck07.pdf](#) [20040108clrkck04.pdf](#)
2. Formal Council Meeting – October 30, November 6, 13, December 4 & 17, 2003  
[20040108clrkck10.pdf](#) [20040108clrkck08.pdf](#) [20040108clrkck06.pdf](#)  
[20040108clrkck05.pdf](#) [20040108clrkck12.pdf](#)
3. Council Tourism & Economic Development Committee – November 10, 2003  
[20040108tedc01.pdf](#)

B. Acceptance of Board & Commission Meeting Minutes

4. Aviation Commission – November 18, 2003 [20040108tavco01.pdf](#)
5. Board of Adjustment – October 22, 2003 [20040108boa01.pdf](#)
6. Commission on Disability Concerns – November 18, 2003 [20040108cdc01.pdf](#)
7. Community Special Events Task Force – November 25, December 9, 16 & 23, 2003  
[20040108csetf01.pdf](#) [20040108csetf02.pdf](#) [20040108csetf03.pdf](#)  
[20040108csetf04.pdf](#)
8. Design Review Board – August 20, September 3 & 17, October 1 & 15,  
November 5, December 3 & 17, 2003 [20040108drb01.pdf](#) [20040108drb02.pdf](#)  
[20040108drb03.pdf](#) [20040108drb04.pdf](#) [20040108drb05.pdf](#)  
[20040108drb06.pdf](#) [20040108drb07.pdf](#) [20040108drb08.pdf](#)
9. Enhanced Services Commission – May 21 & August 20, 2003  
[20040108esc01.pdf](#) [20040108esc02.pdf](#)
10. Hearing Officer – December 2 & 16, 2003 [20040108ho01.pdf](#) [20040108ho02.pdf](#)
11. Historic Preservation Commission – November 6 & 15, 2003 [20040108hpc01.pdf](#)  
[20040108hpc02.pdf](#)

12. Human Relations Commission – October 14, 2003 [20040108hrc01.pdf](#)
13. Library Advisory Board – October 6, 2003 [20040108lab01.pdf](#)
14. Mayor's Committee on Prevention and Community Resources –  
October 20 & November 17, 2003 [20040108mcpcr01.pdf](#) [20040108mcpcr02.pdf](#)
15. Mayor's Youth Advisory Commission – November 18, 2003 [20040108myac01.pdf](#)
16. Massage Examiners Board – December 12, 2003 [20040108meb01.pdf](#)
17. Neighborhood Advisory Commission – November 5, 2003 [20040108nac01.pdf](#)
18. Parks and Recreation Board – October 14, 2003 [20040108prb01.pdf](#)
19. Rio Salado Advisory Commission – October 20, 2003 [20040108rsac01.pdf](#)
20. Tempe Fire Public Safety Personnel Retirement Board – November 18, 2003  
[20040108clrkck02.pdf](#)
21. Tempe Police Public Safety Personnel Retirement Board – October 2, 2003  
[20040108clrkck03.pdf](#)

#### 4. REPORTS AND ANNOUNCEMENTS

##### A. Mayor's Announcements

- Triathlon Acknowledgement
- Arizona Clean & Beautiful Awards
- Video Festival Awards
- Board and Commission Appointments [20040108clrkck13.pdf](#)

##### B. Manager's Announcements

#### 5. CONSENT AGENDA

All items listed on the consent agenda will be considered as a group by the City Council and will be enacted with one motion. There will be no discussion of these items unless a Councilmember removes an item for consideration or a Citizen requests a public hearing item be removed. Public hearing items are designated by an asterisk (\*). Items scheduled for a first hearing will be heard but not adopted at this meeting.

**'q-j'** denotes an item as quasi-judicial. The City Council sits as a quasi-judicial body when hearing variances or use permits. Courts have ruled that when sitting as a quasi-judicial body, the Council must conduct itself as a court and not as a legislative body. This means any materials or conversations concerning the variance or use permit can only be presented to the Council at the public hearing scheduled for the Council meeting. Pre-meeting contact with the Council on quasi-judicial matters is prohibited.

##### A. Miscellaneous

22. Motion to set Executive Session for the City Council meeting of January 15, 2004, if needed, in the Harry E. Mitchell Government Center, Municipal Building, 3<sup>rd</sup> Floor Conference Room, 31 E. 5<sup>th</sup> Street.

**COMMENTS:** Agenda for Executive Session will be posted at least 24 hours prior to such meeting.

23. Request approval of the Report of Claims Paid to be Filed for Audit for the week(s) of

December 13, 20 & 27, 2003.

**COMMENTS:** A copy of the detailed claims report may be obtained by contacting the City Clerk's Office.

24. Request approval of the Virginia G. Piper Charitable Trust Grant Award for \$15,000.00 to the City of Tempe to plan senior services and programs.

**DOCUMENT NAME:** [20040108csjt01.pdf](#) **COMMUNITY SERVICES ADM (0701-01)**

25. Request approval of the extension of Residential Permit Parking Area 4 to include Stanley Place from south of Watson Drive to north of Magdalena Drive.

**DOCUMENT NAME:** [20040108PWDW01.pdf](#) **RESIDENTIAL PERMIT PARKING (0503-19)**

26. Request approval to increase the contract amount with Phoenix Fence Company for fencing rental, repairs and new fence installations during the initial contract period from \$35,000 to \$70,000.

**DOCUMENT NAME:** [20040108fslg04.pdf](#) **PURCHASES (1004-01)**

27. Request approval to utilize State of Arizona contract AD040004-001 for the purchase of two bus stop maintenance vehicles from Midway Chevrolet.

**COMMENTS:** Total cost for this purchase shall not exceed \$88,135.00.

**DOCUMENT NAME:** [20040108fsdl05.pdf](#) **PURCHASES (1004-01)**

28. Request approval to utilize State of Arizona contract AD040004-005 for the purchase of two K-9 Police vehicles from Five Star Ford.

**COMMENTS:** Total cost for this purchase shall not exceed \$53,711.00.

**DOCUMENT NAME:** [20040108fsdl06.pdf](#) **PURCHASES (1004-01)**

29. Request approval to utilize State of Arizona contract AD990005 for computer training services to Learnit and Interface Technical Training.

**COMMENTS:** Total cost for this contract shall not exceed \$90,000 annually.

**DOCUMENT NAME:** [20040108fsdl08.pdf](#) **PURCHASES (1004-01)**

30. Request approval to utilize Arizona Department of Transportation contract T0118A0051 and the City of Glendale contract RFP02-08 for the purchase of one street sweeper from Norwood Equipment and one street sweeper from Tennant Sales and Service Company.

**COMMENTS:** Total cost for this purchase shall not exceed \$161,967.00 for the Norwood sweeper and \$192,838.00 for the Tennant sweeper.

**DOCUMENT NAME:** [20040108fsdl09.pdf](#) **PURCHASES (1004-01)**

31. Request by Fairmont Business Center for a Horizontal Regime for four (4) office units at 3010 South Priest Drive.

**COMMENTS:** (LGE Corporation, property owner) #SHR-2003.102 for a Horizontal Regime (Condominium Map) for four (4) office units on 3.33 net acres.

**DOCUMENT NAME:** [20040108dsd2k08.pdf](#) PLANNED DEVELOPMENT (0406)

32. Request by Warner Professional Plaza for a Horizontal Regime for 12 office units at 430 West Warner Road.

**COMMENTS:** (Three Gringos, LLC, Scott W. Sjolseth, property owner) #SHR-2003.27 for a Horizontal Regime (Condominium Map) consisting of 12 office units on 3.2 net acres.

**DOCUMENT NAME:** [20040108dsht06.pdf](#) PLANNED DEVELOPMENT (0406)

33. Request approval of an addendum to a professional services contract with Morrison Maierle Inc., from \$27,400 to \$35,400, for the Tempe Center for the Arts – Building Pad Construction and 108" Storm Drain Relocation project.

**DOCUMENT NAME:** [20040108PWTG03.pdf](#) TEMPE VISUAL AND PERFORMING ARTS CENTER (0109-19) PROJECT NO. 57-997005

34. Request approval of an addendum to a professional services contract with Architekton in the amount of \$65,157.00 for the Tempe Performing and Visual Arts Center.

**COMMENTS:** For ADA compliance issues.

**DOCUMENT NAME:** [20040108PWDR02.pdf](#) TEMPE VISUAL AND PERFORMING ARTS CENTER (0109-19) PROJECT NO. 57-997005

B. Award of Bids

35. Request to award a two-year contract with three (3) one-year renewal options for building supplies and sundries to Paul's Scottsdale Hardware, Inc.

**COMMENTS:** Total cost for this lowest responsive bidder contract shall not exceed \$45,000 during the initial two-year contract period.

**DOCUMENT NAME:** [20040108fslq01.pdf](#) PURCHASES (1004-01) Bid #04-042

36. Request a sole source agreement for an annual membership to National Science Foundation – Water Quality Center ASU (NSF) for the University Water Quality Research Partnership.

**COMMENTS:** Cost for this annual membership is \$30,000.

**DOCUMENT NAME:** [20040108fst02.pdf](#) PURCHASES (1004-01) Bid #04-075

37. Request a sole source agreement for an annual membership to the American Water Works Association Research Foundation (AWWARF).

**COMMENTS:** Cost for this annual membership is \$36,792.

**DOCUMENT NAME:** [20040108fst03.pdf](#) **PURCHASES (1004-01)** Bid #04-076

38. Request to award a one-year contract with two (2) one-year renewal options to Mountain States Specialties, Inc. for Rio Salado Signage.

**COMMENTS:** Total cost for this contract shall not exceed \$72,000 during the initial contract period.

**DOCUMENT NAME:** [20040108fslg07.pdf](#) **PURCHASES (1004-01)** Bid #04-066

39. Request to award a construction contract to Kilashee Contracting Corporation in an amount not to exceed \$1,992,000.00 (Base Bid), plus approval of a contingency of \$150,000.00, for the South Tempe Water Treatment Plant Environmental Services Building and Plant Entrance Improvements.

**DOCUMENT NAME:** [20040108PWMG07.pdf](#) **SOUTH TEMPE WATER TREATMENT PLANT (0902-18)** PROJECT NOS. 3201093 & 3201095

C. Ordinances and Items for Introduction

40. Set public hearings for **February 5 and February 19, 2004** to amend Tempe City Code, Chapter 28, relating to Solid Waste.

**DOCUMENT NAME:** [20040108cacc02.pdf](#) **TCC CH 28 - SOLID WASTE (0503-28)** Ordinance No. 2004.03

- q-j 41. Set public hearings for **January 15 and February 5, 2004** for Boston's Bar and Grille for an Amended General and Final Plan of Development for Crossroads Plaza, including use permits and a tele-track wagering facility site permit, located at 1730 East Elliot Road.

**COMMENTS:** (McClintock and Elliot, LLC, property owner, M.P. & G. Beverage, Inc., Mauro Ramirez, business owner) **#SGF-2003.102** for an Amended General and Final Plan of Development for Crossroads Plaza for a change of ownership for an existing bar/restaurant consisting of 4,388 s.f. The total center includes 87,526 s.f. of building area on 8.5 acres in the PCC-1 Zoning District, located at 1730 East Elliot Road, including the following:

Use Permit:

1. Allow a bar/restaurant with live entertainment (including a DJ, karaoke and tele-track wagering facility)

This request includes the public hearing notification for the following:

Tele-track Wagering Facility Site Permit:

Applicant: American Greyhound Racing, Inc.  
3801 East Washington Street  
Phoenix, AZ 85034

**DOCUMENT NAME:** [20040108dssl07.pdf](#) **PLANNED DEVELOPMENT (0406)**

42. Set public hearings for **January 15 and February 5, 2004**, for Nita's Hideaway to

eliminate conditions of approval #15 and #16 (#SGF-2002.28), located at 3300 South Price Road.

**COMMENTS:** (Winslow Enterprises, LLP, MC Strauss Company, property owners; Mark Covert, business owner) **#SGF-2003.106** to amend a previous City Council approval by eliminating conditions #15 and #16:

Previous Conditions of Approval:

15. Applicant shall temporarily close the Malibu Drive entrance to the Michael's Plaza located near the Lola Drive alignment from 10:30 PM to 1:30 AM on Nita's Hideaway event evenings.
16. Applicant shall work with the Tempe Police Department regarding the temporary barricading of Malibu Drive at Price Road during the hours of 11:00 p.m. to 1:30 a.m. on Nita's event evenings, for so long as required by the Tempe Police and Transportation Departments or until no longer necessary to alleviate the potential for cut-through traffic onto Malibu Drive from Nita's patrons.

**DOCUMENT NAME:** [20040108dsht09.pdf](#) **PLANNED DEVELOPMENT (0406)**

43. Set public hearings for **February 5 and February 19, 2004** to abandon an existing public utility easement and water and sewer easement located at 1938 East Apache Boulevard.

**DOCUMENT NAME:** [20040108PWMG04.pdf](#) **RIGHT OF WAY ABANDONMENT (0901)** ORDINANCE NO. 2004.01

44. Set public hearings for **February 5 and February 19, 2004** to abandon a water line easement and an emergency access easement located in the Playa del Norte development.

**DOCUMENT NAME:** [20040108PWMG06.pdf](#) **EASEMENT ABANDONMENT (0901)** ORDINANCE NO. 2004.02

- D. Ordinances and Items for First Hearing – These items will have two public hearings before final Council action.

- \*45. This is the **first** public hearing to authorize the Mayor to execute a Development and Disposition Agreement between the City of Tempe and Suncor Development Company

**DOCUMENT NAME:** [20040108cacc01.pdf](#) **RIO SALADO MASTER PLAN (0112-07-03)** Ordinance No. 2003.39

- \*46. This is the **first** public hearing to authorize issuing a Request for Proposal for hiring a property management and leasing company to manage and lease City of Tempe property acquired for the Light Rail Project, and authorize the lease of such property.

**DOCUMENT NAME:** [20040108casv01.pdf](#) **TRANSPORTATION PLANNING (1101-01)** Ordinance No. 2003.38

- q-j 47. This is the **first** public hearing for Rio East Business Park for a Preliminary and Final

PAD for five office buildings and a sign package located at 1851 West Rio Salado Parkway.

**COMMENTS:** (SunCor Development Company, property owners) **#RRC03051 #SPD-2003-96** for a Preliminary and Final PAD including site plan, landscape plan, and building elevations for five (5) one-story general office buildings (A, B, C, D, and E) consisting of 306,800 square feet on 25.44 net acres and a comprehensive sign plan, including the following:

Variances:

1. Increase the maximum allowed building height from 30 feet to 38 feet.
2. Reduce the required bicycle parking spaces by 50% (from 123 to 62).
3. Waive the building address on a freestanding monument sign located at Rio Salado Pkwy and Priest Drive, Sign "A" only.
4. To exceed the maximum allowable sign area for three (3) free standing signs from 24 square feet to 102 square feet.
5. To allow three (3) multi-tenant free standing business identification signs in the I-1 Zoning District.
6. Allow more than one (1) free standing sign on the same street frontage.

**DOCUMENT NAME:** [20040108dsht05.pdf](#) **PLANNED DEVELOPMENT (0406)**

48. This is the **first** public hearing for City of Tempe, to amend Tempe City Code, Chapter 11, Article 1, relating to Design Review by amending Section 11-6.

**COMMENTS:** Proposed amendment to eliminate the requirement that all Multi-Family development follow the requirements of the Multi-Family Quality Study.

**DOCUMENT NAME:** [20040108dswk04.pdf](#) **PLANNED DEVELOPMENT (0406)** **ORDINANCE NO. 2003.37**

E. Ordinances and Items for Second Hearing/Final Adoption

- q-j \*49. This is the **second** public hearing for Firestone Tires for an Amended General Plan of Development for University & McClintock Crossing Commercial Center and Final Plan of Development for Firestone Tires, including a use permit, located at 1775 East University Drive.

**COMMENTS:** (The Focus Group, LLC, David Church, property owner) **#SGF-2003.95** for an Amended General Plan of Development for University & McClintock Crossing consisting of 29,016 s.f., on 4.86 net acres, and a Final Plan of Development for Firestone Tires consisting of 7,610 s.f. on 2.11 net acres, including the following:

Use Permit:

Allow a tire and auto service store in the PCC-1 Zoning District.

**DOCUMENT NAME:** [20040108dsd2k02.pdf](#) **PLANNED DEVELOPMENT (0406)**

- q-j \*50. This is the **second** public hearing for Playa Del Norte for a zoning change, a Preliminary PAD, a Final PAD for Lots 1, 4 and 5, including a use permit and variances, and a Final Subdivision Plat, located at 179 North Scottsdale Road.

**COMMENTS:** (Playa Del Norte LLC., City of Tempe, property owners) including



the following: **#ZON-2003.18 Ordinance No. 2003.18** A zoning change from AG, Agricultural, I-1, Light Industrial, I-2, General Industrial, and PCC-1, Planned Commercial Center, to MG, Multi-Use General District on 22.78 net acres. **#SPD-2003.90** A Preliminary Planned Area Development consisting of 90,000 square feet of office space, 112 residential condominiums, 543 apartment/condominium units, 13,187 square feet for restaurants and an additional 20,900 square feet of mixed uses for office/retail/restaurant (Lots 1, 2, 3, 4, 5, and 6) all on 22.78 net acres; and a Final Planned Area Development including site plan, landscape plan, and building elevations for Lot 1, 4, and 5 consisting of 3,187 square feet for a restaurant (Lot 1), 112 residential condominiums (230,316 square feet in Lot 4), and 543 apartment/condominiums (742,194 square feet in Lot 5) on 12.44 net acres.

Use Permit:

Allow outdoor dining in the MG Zoning District.

Variances:

1. Waive the required landscape buffer, six (6) feet wide, along the east and west property lines of Lot 4 and Lot 5.
2. Reduce the required on-site landscape area from 30% to 11% of the net site area for Lot 5.
3. Waive the recreation vehicle (RV's) parking spaces required for Lot 4 and Lot 5.
4. Reduce the required bicycle parking spaces from 28 to 14 for Lot 2, from 32 to 16 for Lot 3, from 112 to 45 for Lot 4, from 543 to 120 for Lot 5, and from 72 to 36 spaces for Lot 6.
5. Reduce the required number of motor vehicle parking spaces from 248 to 224 for Lot 4 and from 1,089 parking spaces to 1,054 parking spaces for Lot 5.

**#SBD-2003.91** A Preliminary and Final Subdivision Plat for six lots on 22.78 net acres.

**DOCUMENT NAME:** [20040108dsd2k01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- q-j \*51. This is the **second** public hearing for Wal-Mart Store #1746-01, Groves Power Center, for an Amended General and Final Plan of Development, including one variance, located at 1380 West Elliot Road.

**COMMENTS:** (Wal-Mart Stores, Inc., property owner) **#SGF-2003.92** for an Amended General Plan of Development for the Groves Power Center consisting of a 418,880 s.f. on 38.26 net acres, and a Final Plan of Development for Wal-Mart expansion for 187,867 s.f. (115,553 s.f. existing plus 73,314 s.f. addition) on 11.79 net acres, located at 1380 West Elliot Road, including the following:

Variances:

Reduce the minimum required side yard building setback, along the east side property line of Lot 3 and along the west side property line of Lot 4, from 60 feet to 0 feet.

**DOCUMENT NAME:** [20040108dsht3.pdf](#) **PLANNED DEVELOPMENT (0406)**

52. This is the **second** public hearing to abandon the South 245.23 feet of Sunset Drive, South of Apache Boulevard, West of Rural Road.

**DOCUMENT NAME:** [20040108PWMG01.pdf](#)  
**ABANDONMENT (0901)** **ORDINANCE NO. 2003.32**

**RIGHT OF WAY**



53. Request approval of a Resolution establishing meeting dates for the regular City Council meetings for February through July, 2004.

**DOCUMENT NAME:** [20040108clrkck01.pdf](#) **COUNCIL MEETING DATES ESTABLISHED (0101-08)** Resolution No. 2004.02

54. Request approval of a Resolution establishing polling places and districts for the March 9, 2004 primary election.

**DOCUMENT NAME:** [20040108clrkck11.pdf](#) **PRIMARY ELECTION – MARCH 9, 2004 (0506-29-01)** Resolution 2004.01

55. Request approval of a Resolution certifying compliance with the consolidated plan and administrative commitment supporting an application for Federal Home Funds by Northwest Tempe Neighborhoods CDC, Inc. (Newtown) an Arizona non-profit corporation, to the Maricopa County Consortium.

**DOCUMENT NAME:** [20040108dslc01.pdf](#) **HOME PROGRAM (0207-18)** RESOLUTION 2004.03

## 6. **NON-CONSENT AGENDA**

Public hearing items on the non-consent agenda are designated by an asterisk (\*).

### A. Miscellaneous

56. Request by Patrick Panetta, representing Arizona State University, to appeal the conditions of a Redevelopment Review Commission approval (RRC 03049) for a sign request for Arizona State University, Institute for Computing & Information Sciences & Engineering, located at 699 South Mill Avenue in the Brickyard.

**COMMENTS:** At its meeting of November 4, 2003, the Redevelopment Review Commission approved the request to add signage to the Brickyard building, with additional conditions which modified the text, location and quantity of the signs being requested.

**DOCUMENT NAME:** [20040108dswk10.pdf](#) **REDEVELOPMENT REVIEW COMMISSION APPEAL 0406**

57. Request by Arizona Federal Credit Union to appeal a Design Review Board condition of approval for a sign located on the Fry's storefront at 2700 West Baseline Road in the Southpoint Plaza Shopping Center.

**COMMENTS:** At its meeting of November 6, 2003, the Design Review Board approved the sign request, with additional condition number 5, which requires that the sign follow the sign package criteria of yellow, white, or red sign faces.

**DOCUMENT NAME:** [20040108dswk11.pdf](#) **DESIGN REVIEW BOARD APPEAL 0102-05-03**

**7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS**

**8. PUBLIC APPEARANCES**

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on the City Council agenda. Matters brought up by the public under public appearances that are not agendaized can not be discussed by the City Council. There is a five-minute limit per citizen. Speaker's visual aids or recorded audio tapes will not be allowed during formal meetings. Citizens attending Council meetings should refrain from making personal, impertinent and slanderous remarks or becoming boisterous while addressing the Council or while attending the Council meeting. Unauthorized remarks from the audience, stomping of feet, yelling and similar demonstrations are also not permitted. Violations of these rules may result in removal from the City Council meeting.